

### REMARKS

Claims 1-26 are currently pending in the subject application and are presently under consideration. Claims 1-4, 6, 8-17, 19-22, 24 and 26 have been amended as shown on pp. 2-6 of the Reply, and claim 5 has been cancelled.

The below comments present in greater detail novel features of applicants' claimed invention, which were telephonically conveyed to Examiner on September 26, 2007.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Rejection of Claims 1-4, 7-9, 13, 16, 18-23, 25 and 26 Under 35 U.S.C. §102(e)**

Claims 1-4, 7-9, 13, 16, 18-23, 25 and 26 stand rejected under 35 U.S.C. §102(e) as being anticipated by Hirata (U.S. 6,374,406). It is respectfully submitted that this rejection be withdrawn for at least the following reason. Hirata does not disclose or suggest each and every element of the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaa Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject application discloses a token schema that identifies pertinent program information for a corresponding segment of broadcast audio and/or visual information. This allows a token enabled recording device to add the program criteria to a program list for recording at a future date and time, and also allows tokens to be tracked through a token global unique identifier. In particular, independent claim 1 (from which claims 2-4 and 7 depend) recites *the schema further includes a universal program global unique identifier that identifies a specific broadcast program in a format universal for a plurality of broadcast platforms*. Independent claims 8, 16, 20 and 22 (from which claims 9, 13, 18, 19, 21 and 23 depend) recite

limitations similar to claim 1. Hirata fails to disclose or suggest all features of the the claimed subject matter.

Hirata relates to using electronic mail to program household appliances, allowing the appliances to accomplish a set of standard tasks. For example, Hirata allows a video deck to record a video program based upon user specified time, date and channel information. The specified time, date and channel information are supplied by the user through electronic mail. (See *e.g.*, Hirata, Figure 3; col. 5, ll. 18-67). However, Hirata does not disclose or suggest a universal program global unique identifier. The plurality of data fields contained within an email individually provide recording parameters, and none of the recording parameters can individually program the device. (See Figure 3). Therefore, Hirata fails to disclose or suggest *the schema further includes a universal program global unique identifier that identifies a specific broadcast program in a format universal for a plurality of broadcast platforms*, as claimed.

In addition, the Examiner is reminded that the standard by which anticipation is to be measured is *strict identity* between the cited document and the invention as claimed, not mere equivalence or similarity. See, *Richardson* at 9 USPQ2d 1913, 1920. This means that in order to establish anticipation under 35 U.S.C. §102, the single document cited must not only expressly or inherently describe each and every limitation set forth in the patent claim, but also the identical invention must be shown in as complete detail as is contained in the claim. The fact that Hirata provides an email with program data does not provide an invention identical to that recited in the subject claims.

In view of at least the foregoing, it is readily apparent that Hirata fails to disclose or suggest the claimed subject matter. Accordingly, the rejection of independent claims 1, 8, 16, 20 and 22, and the claims that depend there from, should be withdrawn and the subject claims allowed.

## **II. Rejection of Claims 5-6, 10-12, 14-15, 17 and 24 Under 35 U.S.C. §103(a)**

Claims 5-6, 10-12, 14-15, 17 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hirata. This rejection should be withdrawn for at least the following reasons. Claims 5-6, 10-12, 14-15, 17 and 24 depend from independent claims 1, 8, 16, 20 and 22, and for reasons stated *supra*, Hirata fails to teach or suggest all limitations as recited in the independent

claims from which the subject claims depend. Accordingly, withdrawal of this rejection is respectfully requested.

### **CONCLUSION**

The present application is believed to be in condition for allowance in view of the above amendments and comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP135US].

Should Examiner believe a telephone interview would be helpful to expedite favorable prosecution, Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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